1780

THE QUESTION ABOUT SEPTENNIAL, OR, FREQUENT NEW PARLIAMENTS, Impartially Examined.

IN TWO

LETTERS

TO

CHARLES LUCAS, Esq; M. D.

To which are added,

INSTRUCTIONS

K. Philopater.

FROM A

Constituent, to a Representative.

But if it is said, we must respect them that sent us hither, Why, so we must also remember who called us hither.

Mr. FULK GREVILE's Speech on the Subsidy, Anno 1592-3.

It is in ME, and my Power to call Parliaments, and it is in my Power to determine the same, it is in my Power to assent or dissent to any Thing done in the same.

Q. Eliz. Message to her Parl. anno 1592-3, delivered by Sir Ed. Coke, their Speaker.

DUBLIN:
Printed in the Year, M.DCC.LXI.

TO

HIS EXCELLENCY

THE

EARL of HALIFAX,

LORD LIEUTENANT

OF

IRELAND.

My LORD,

THE following paper was written ſome months ago, before the iſſuing of writs to ſummon the preſent parliament; at a time when the ſubject of it was the common topic of converſation, and hardly any thing elſe was to be read in our public papers.

The publication of it now, may perhaps be leſs neceſſary than it was then: at that time many, I believe, were inconſiderately led to a notion they did not underſtand. They have had time to cool and reflect, and ſeeing the conſequences of their haſty engagements, may be appriſed of the folly of them, and mean to purſue them no farther: to ſuch it will not be unwelcome, as it offers their apology by leading them to conviction. To ſuch as have not, it may probably offer ſomething to induce them before they go farther, to conſider what they are about; and if they cannot be perſuaded to recede and recant, yet to temper their zeal with ſome ſhew of modeſty and diſcretion. By either, your excellency may be relieved from the diſagreeable taſk of engaging in a controverſy, wherein, let your upright-

neſs and prudence be ever ſo great, you may happen to be unpopular, and thence, in many reſpects, incapable of doing to thoſe very people the good you intend.

That you intend well is apparent, from ſteps you have already taken: nothing can promiſe fairer than the reſpect ſhewn to *two men* not long ſince, very impoliticly, diſgraced. It gives us room to hope, that pride will neither hurry you into bad meaſures, nor puſillanimity deter you from good ones.

However the people of this nation may have been repreſented, I will take upon me to ſay, that a man who knows how to govern, will always find it eaſy to govern them: there is, I muſt own, in ſome of the inferior claſſes, a factious and very reſtleſs ſpirit, that, without ſeaſonable check, may one time or other endanger the conſtitution: but in ſuch as are fit to take the lead in any important enterprize, there is not, I believe, a man in the kingdom, whoſe heart is not affectionately loyal, and who, both by intereſt and principle, is not inviolably attached to the conſtitution.

Your excellency is therefore to expect a chearful, and ready concurrence in all meaſures which may tend to promote his majeſty's real intereſt, the advantage of the nation, and the honour of your own adminiſtration.

The diſtant and very humble ſtation I move in, gives me no opportunity, tho' I have taken the liberty of writing to you, to ſay much of you. I ſhall therefore only add, that to aſſiſt in making your adminiſtration both eaſy and pleaſant, was neither the laſt, nor the leaſt of my motives for publiſhing this paper; and tho' uncourtly in ſtyle, without the flouriſh of a dedicator,

I am, my LORD,
with unfeigned reſpect,
your EXCELLENCY'S
moſt obedient,
and humble ſervant,
The EDITOR.

THE QUESTION, &c.

SIR,

BY the time you have got to the end of these letters, you will know as much of me as I do of you: i. e. without any personal acquaintance, you will judge of my principles, temper and ablilities, as I do of yours, from the productions of your pen: the only difference will be, that you must make allowances for the involuntary imperfections of a first rude essay for little inaccuracies (perhaps) in spelling, which a critic in grammar may too probably spy, and such incorrectness of style as every man is subject to, who writes on as he thinks without revising: for matter or sentiment, I shall offer no apology, and am careless of censure.

If you ask, why to you rather than to many others, who have told their opinions with the same freedom? I answer honestly, because I believe you are sincere, that when you have openly espoused a cause, you never want zeal to defend it, and have besides, sufficient attainments of capacity and knowledge.

From the importance of the question, the hurry and heat by which it has been bandied, it is become necessary to have it strictly canvassed, and fairly debated. The application therefore to you is only a call, to open the treasures of your knowledge, and to display the powers of your eloquence. This, I presume, will give no offence; from your candour and good temper, I expect a fair hearing; that freedom and good manners on my side will meet with equal returns. I write only for conviction; for my own, for yours —and for my coutrymens in general. If my own follows, I shall quickly recant, if yours or theirs, a service will be done, and thanks will be deserved, that will never be claimed.

The ſtate of the queſtion between us is this: "Is a bill "for the limitation of the duration of parliaments in this "kingdom, at this time, neceſſary, expedient, or adviſe-"able?" you'll not quarrel with it becauſe it is in words of your own, taken from one of your advertiſements in the weekly papers.

In compliance with the requiſition of your conſtituents, you have already engaged to uſe your *beſt means* to procure it, and have freely told us, that you are perfectly ſenſible of the reaſonableneſs, legality and loyalty of the teſt propoſed. ——So that here are three plain points to reaſon upon, and ſo far (I obſerve it to your honour) there is nothing immodeſt or offenſive. For by *beſt means* I preſume that you mean only ſuch as are reaſonable, legal and loyal, and all ſuch will ever have mine and every honeſt man's ſuffrage and conſent: but that blunt injudicious, and, I will ſay, inſolent peremptorineſs in ſome advertiſements I have read, is not to be digeſted. For were it legal (as indeed it is not) to tell my ſovereign to his face, that unleſs he will compliment me with the ſurrender of his prerogative, I will uſe every means in my power to diſtreſs him in his government, is neither reaſonable nor loyal: and this you will allow is the language of ſome advertiſements, which ſay they will vote for no money-bill till a law to this purpoſe is firſt obtained.

One gentleman who chuſes to ſtand upon his own legs, (tho' they don't ſeem to be the beſt ſupporters in the world) talks loud in this ſtrain: him I had once in my eye to call to account; but finding he flew at ſuch high game, and with ſcurrilous inſult had declined an abler antagoniſt, I thought it might be better to let him alone: was he a match for the man he had challenged, in the hands of ſuch a Goliah, what had become of a ſtripling like me?

But not to detain you with other mens abſurdities. I am to obſerve that even you have been too incurious in the choice of your terms, which, from the accurate Dr. Lucas, I did not expect: had you called this teſt *conſtitutional*, as that is a modern cant word which rarely expreſſes any idea, a field for controverſy for the entertainment of ſuch as delight in *logomachies* had at leaſt been opened; but by calling it *legal* and *loyal*, if you are not barred from going further you will be ſadly diſtreſſed for proof; to prove its legality ſome law or cuſtom muſt be alleged; without that it will be idle to attempt it; and if there be one already, there is no reaſon to call for a new one. Reaſon with ever ſo much

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ſharpneſs and ingenuity, it will not do, it muſt be enacted before it will be legal. Now in all the muſty volumes which I have run over, I can find no trace or appearance of any ſuch thing; if you in your more laborious reſearches have found one, produce it I pray you, it will be very material in the caſe; but I doubt you have found it as I have, that the antient manner of calling, convening and holding parliaments are all expreſly againſt the opinion.

As to the loyalty of this teſt, how is that to be made out? Is it conſiſtent with the ſtate of the crown, with his majeſty's juſt and legal prerogative, or have you conſulted, and are you properly informed, how far it may be agreeable to his will and pleaſure? Theſe things may, and, I believe, are with too many, matters of very ſlight conſideration; but till they are known and aſcertained, it will be ridiculous to call it loyal: profeſſions of loyalty I well know are common; when no ſuch thing is intended, they have been uſed heretofore by men actually in rebellion againſt their prince. But we, ſir, I truſt, live in better times, and may reaſonably hope, however our words may be unguarded, that our affections are yet chaſte; at leaſt that the enemies of Dr. Lucas will never find any inconſiſtency of this nature to charge to his account.

Theſe ſlight ſtrictures upon your manner of ſetting out, will not, I truſt, be thought impertinent; but as you ſeem to be ſo well aſſured that your ſenſe of the matter is right, a farther eclairciſſement will be neceſſary: I begin therefore with affirming in full contradiction to you, and all thoſe who have declared on the ſame ſide of the queſtion. That the ſcheme propoſed is an innovation, and a dangerous innovation, that would change the conſtitution in an eſſential part, and render it ſomething (I know not what) quite different, from what it either hath been, is, or ought to be.

From this view people who give themſelves time to think, may be led to conſider firſt, what right the ſubjects of this kingdom have, either to demand or to propoſe ſuch an alteration. And I diſtinguiſh thus in the uſe of theſe terms, becauſe I find in vulgar acceptation a right of propoſing is thought to be equivalent to a right of demanding.

2dly, What likelihood can ariſe that a prince in his ſenſes, unleſs it is crammed down his throat, will ever conſent to ſwallow ſuch a pill: his majeſty, tho' not yet grey with experience in governing, is not in his nonage; and with ſo little art or pains uſed to gild, and recommend it, they might preſume it will hardly go down: he muſt ſee, I doubt not,

hath already seen, that in its necessary consequences, it may strip him of all his prerogative, *may unking him* and make even the succession in his family precarious, without the formality of transferring it to another, without even the invasion of a pretender. As for my own part, did I even like the thing, I would advise a little more cautious proceding, and not shock him so rudely at first, when, with less understanding than we all know he has, he must of course be a little squeamish, and without any appetite for such potions.

I am, Sir, charitable enough to believe, that multitudes now enamoured with the notion, have never so much as dreamt of this consequence, not knowing how from such causes, events of the kind have formerly followed; they have no apprehension of danger, but they are to be advised and warned, and here is an attempt to open their eyes, to awaken their senses, by collecting their scattered powers to reason and reflection.

In our mother country, were a scheme of this kind to come under consideration, the debate I confess would have a shorter issue; there the expediency alone would come into question, having precedents to go upon, the rights could not be controverted. Here they are against it, we were never in possession, no claim of right can be pretended, except in the imagination, that people have a right to demand every thing which they have power to extort. This wild raving of political phrensy, some brains seem to be seized with; for such the discipline of bedlam is fitter than reason; If there be any who can talk thus, and at the same time think they are not mad, I shall only modestly advise them, to calculate their power before they set out, before they begin to think *where and in what* it may end.

Our constitution, it is true, in most things, has taken the same turn, and been planned upon the model of England, whence a right is possibly presumed to imitate and follow them in all things; but altho' we be children of the same father, we are but as younger brothers; the reason in many cases is not the same, in some, what is good for them might be bad for us. There are many cases too, and I fear this may be one of them, wherein we shall not be thought intituled to, nor allowed equal privilege, and wherein it may neither be prudent nor safe to proceed without previously consulting, how far they may be inclined to favour our pretensions. Are we independent? go on,——Have we bulk and Substance to set up for ourselves?——Erect your standard, and at first beat of drum we will all repair to it: but, sir, if

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we do live and can live only under their protection, our wiſeſt courſe will probably be, to endeavour to preſerve the privileges we have, as long as we are eaſy and feel no oppreſſion, to keep ourſelves quiet, where there is no ſore or pain; medicines are ſuperfluous, generally hurtful, always dangerous, and you, ſir, are too ſkilful and too honeſt a phyſician to adviſe tampering to clients in health.

Of thoſe who have been inſtructed and ſpirited up to demand and inſiſt upon this teſt, do you, ſir, believe, that there is one in a hundred, who if aſked, could give any account, when or by what means this change in the conſtitution firſt obtained in England? Or, do they at all know, what the uſes and conſequences of it there have been?——You can tell them, and pardon me, ſir, if I ſay you ought to have told them, before you complied with their requiſition, that it is a new upſtart invention, no part of our antient conſtitution.——That in the days of our fathers parliaments were called *ad libitum Principis*; when he wanted ſome aid to ſupply the neceſſities of government, when wars abroad, rebellions at home, hoſtile invaſions, or other occaſions too ſtubborn for his power, made ſuch meetings neceſſary.——That antiently they were not aſſembled for the occaſions of mirth and jollity, or to find out ſomething for themſelves to do; not to ſearch for grievances before they were complained of, much leſs to make them;—but to conſult *De arduis regni negotiis*, upon ſuch matters, as were propounded to them, to give government weight and ſtability, and when they exceeded the acknowledged ends of their inſtitution, were eaſily checked and brought back to their duty. The prince who granted the privilege, preſcribed the bounds and regulated the uſe.

Upon theſe matters much light and inſtruction may yet be had; you had no intereſt, and thence no inclination, perhaps, to undeceive them: allow one then to uſurp the province, to be their monitor by a brief hiſtorical deduction, to point out in what way the conſtitution grew up to its preſent admired and happy form.

It is to me, ſir, matter rather of mirth and ridicule than of ſerious reflection, to hear party writers pertly diſcanting upon the antiquity of our conſtitution, and vainly labouring to trace it thro' the dark and almoſt fabulous ſtories of our Saxon kings.

Wittengemots or *Folkmotes* were no more parliaments, than a *ſenatus conſultum* was a *Plebiſcitum*; or you might as well ſay, that a child in a cradle and ſwadling cloths, was an adult,

adult, and full grown man. Of ſuch councils before the conqueſt, there is no teſtimony to befound, that will bear arguing upon. *A king of the Weſt Saxons cauſing all his fatherhood, aldermen, and wiſeſt commons, with the godlymen, to conſult of weighty matters, is by no means a proof in point.* The word was not known or in uſe before *Hen.* 3. and if in the phraſeology of lord Coke, it is derived from one's ſpeaking their mind, it is plainly not of Saxon but of Norman extraction.

To look for ſuch popular aſſemblies in feudal governments, and expect to find them there, is an idle attempt. You might as wiſely ſearch for the proofs and ſanctions of religious liberty, among the canons of eccleſiaſtical councils. All the European governments from the diſſolution of the Roman empire, down to the 15th century, were indubitably ariſtocratical; till the vaſſalage which grew out of knights ſervices was at an end, ſuch privilege as the commons now enjoy was impoſſible.

Men who read hiſtory as they do romances, to divert themſelves with heroical exploits in ſieges and battles, may read till dome's-day without ſeeing where ſuch things began or ended, and ſo go on talking for ever about what they do not underſtand: but from the certainty of this, an obſervation offers too ſtriking to have eſcaped your notice, *viz.* That all or moſt of the *Conceſſions* * made by our Britiſh monarchs ſince the conqueſt, by which the power of the commons was ſo enlarged as to make a 3d eſtate, and laid the baſis of our political builders to work upon, *were in truth parts of a ſcheme laid by the princes themſelves, to break the power of the barons.*

After repeated ſtruggles to emancipate themſelves, they ſaw no way but by raiſing up a rival power, whence it is that moſt of the privileges which the commons ever obtained, were from the wiſeſt and beſt of our princes, it was a work of time, and tho' it met with frequent and long interruptions from the rancorous and bloody conteſts between the houſes of York and Lancaſter, we may ſee it gradually ad-

* When James the 1ſt. told his parliament, that their privileges were the *conceſſions* of kings, his predeceſſors; they replied with haughtineſs, that they were their *birth-right*; which at that time was not true, for thoſe privileges were not then confirmed by law; in his ſon's time by the *petition* of right, they were, and ſince to claim them as a *birth-right*, is proper and parliamentary; but this can't be applied to the caſe before us.

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vancing from the beginning of *Hen.* 3. down to *Hen.* 7. who completed and gave it the finiſhing hand. He, the moſt politic by far of all our kings, ſeems firſt to have apprehended the true method of putting an end to that intolerable barrier againſt regal power, the power of the barons; but his wiſdom went farther, when he had done enough, he knew how and when to ſtop. It is generally ſuppoſed, very injuriouſly I think, and without any foundation, "That the indulgence of that ſordid paſſion of avarice was the ſpring of this prince's conduct." My lord Bacon was the parent of this miſtake; * by accumulating wealth, and enlarging his demeſnes, he had a greater and much nobler aim, it was undoubtedly to make the crown independent, that as he had effectually ſubdued and broke the power of his nobles, having nothing longer to apprehend from that quarter, he meaned to ſtand upon his own bottom, without dependence or obligation to either: and I may ſubmit it to your judgment, whether the ſame frugality and good oeconomy, in his ſon and ſucceſſor, under that immenſe acceſſion of wealth, which at the diſſolution of the abbies and monaſteries might all have been ſeized into his own hands, would not have perpetuated the power of Engliſh monarchs, and intailed ſlavery upon their ſubjects, in ſpight of any efforts to redeem them.

When the commons were firſt ſummoned to parliament, is a point in hiſtory ſtill very doubtful; In the preſent controverſy not very material to determine. But that the power of levying taxes only by conſent of parliament was not till Hen. 3. anno. regni. 21. is out of diſpute: before that it was arbitrarily in the prince; no hiſtorian of credit gives it an earlier date. It does not however ſeem to have been clearly ſettled 'till the 25. Edw. 1ſt. In a parliament held by the regents in his abſence to make, up the quarrel between him and his nobles, &c. a large aid was granted, and then, it was enacted, that no manner of tax ſhould be thence forward raiſed or levied, without common conſent and free-will of archbiſhops, biſhops, earls, barons, knights, burgeſſes, and other freemen.

* *This* ſame lord could, however, ſay, "*That belike he thought to leave his ſon ſuch a kingdom, and ſuch a maſs of treaſure, as he might chuſe his greatneſs where he would.*"—But this has been overlooked, whilſt what he ſaid of his avarice, has always been deſcanted,—and inſiſted on. It is odd, indeed, to ſee a point like this, ſo ſlightly touched by ſo maſterly a hand.

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Let it be remarked, that about the close of this reign, we first hear of *protests* against any of the king's proceedings.

About the year 1300, says Mr. Voltaire, * the English parliament assumed a new form. It did so; but when he adds, *very near the same as it now wears*, he shews his ignorance. There was still a great deal to be done to make it the same. But in saying, that Edward the first gave weight to the lower house to balance the power of the barons, he is certainly right; and yet in a remark upon the same æra, he is wrong again, by telling you, that the English did not then understand the limits of their king's prerogatives, or the privileges of parliament: the latter indeed are still unintelligible, because they have never been defined; but the former were then thoroughly understood, tho' they were more and greater than they are at present.

The first instance of the commons by representatives, being called to parliament, was in the 48th of this king: and was then by four knights from each county, and not as now by two. This is said to have been a scheme of the earl of Leicester's, who had then the king in captivity: his cotemporary peers exclaimed against it as a dangerous innovation; they did not however make then a separate house, or new estate, but were incorporated with the lords.

The first instance of the commons separating from the lords, and making a distinct house by themselves, was not before the 6th of Edward the 3d. anno 1332. The character of the prince, his power and policy are well known, and by his thus creating a third estate, the foregoing observation is confirmed. Still however, the commons were without a speaker.

This custom of chusing a speaker commenced an. 1377, the 1st of Richard 2d. Before that, as soon as the king's chancellor by a speech had opened the occasion of their meeting, the way was for the commons to retire and petition the king for a conference † with the lords and prelates, when by joint concurrence, and not by the commons separately, the aids were granted: which done, they presented their petitions, and received answers in a summary way, *as the king willeth, or will be advised*, &c.

In a parliament held anno 1400 (Hen. 4.) the commons took upon them to declare, "that it was not the usual cus-

* Gen. hist. of Europe.

† The impolitic James I. was weak enough to apply this precedent to the merits of an election.

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" tom *to grant ſubſidies before their petitions had been an-* " *ſwered.*" But the king ſmartly replied, " That *there* " *never was any ſuch uſe known,*" that they ſhould firſt go through all their buſineſs, *which ordinance the king intended not to alter* : whence may be obſerved, both how ready men are to ſtretch privileges which have once been granted, and how little authority there is for the modern cuſtom of *tacking.*

In the firſt parliament of Richard 2d. the commons, we read, did petition the king, " that a parliament might be " held in a convenient place once in a year. To redreſs " delays in ſuits, and end cauſes where judges were of " different opinions." And the ſame parliament inconſiſtently enough prayed, " that another might not be called " till a year after that time." Againſt this the lords roſe up as *on an invaſion of prerogative*, and they were anſwered from the throne, " *that the former ſtatutes made for that purpoſe ſhould be kept.*" The dread of a new tax was the reaſon of the latter, and a growing ſpirit of aſſuming, the reaſon of the former.

In the 10th of this king, we read of a remonſtrance of parliament, ſetting forth, That *by antient conſtitution*, the king ought to aſſemble *once a year* unto his Parliament. This is only to be found in old Knyghton, the canon of Leiceſter, and how he came by it, no ſubſequent hiſtorian has ever been able to diſcover. Parliamentary records are all ſilent about it, and the meſſages and ſpeeches which he tells you paſſed upon the occaſion, are in ſuch language as no ſubject did or dared to uſe to his ſovereign in thoſe days : the authors of the parliamentary hiſtory, give it up as a forgery, and ſuppoſe it might have been penned by the archbiſhop of canterbury, who was then a fierce oppoſer of the court, and by him ſent to Knyghton to be inſerted in his hiſtory : however that was, every thing done in this parliament againſt prerogative, was in another, nine years after, reverſed and annulled : whence, ſays an hiſtorian ‡, may be obſerved, *that parliamentary proceedings are as uncertain when managed by popular factions as by court intrigues.*

In the 7th of Hen. 4. a parliament by three prorogations was held on for near a whole year. Which by ſome writers is cenſured as a ſtretch of prerogative, inconſiſtent with the uſage of parliament; and it is odd to ſee *Rapin and Pryn*

‡ Tyrrel's hiſt. of England, vol. 3.

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taking contrary ſides in the queſtion, each againſt his avowed principle. But the fact was not as the former has ſtated it. The parliament was not kept on foot to tire or force them into the king's demand; for there was no demur againſt the aid, which in this parliament was given much ſooner than ordinary, on the very day the commons preſented their ſpeaker; and the complaint againſt prerogative for keeping them ſo long together, was on account of the damage to the commonalty. The expences of the repreſentatives, for which at the end of the ſeſſion they always had their writs, being almoſt equal in value to the ſum demanded for the ſubſidy, attendance on parliament was at that time oftener declined than courted: *the anxiety*, ſays a late hiſtorian §, *with which our anceſtors endeavoured to get free from ſitting in parliament, is ſurpaſſed only by that with which their poſterity ſolicit to be admitted there.* In Richard the 2d's reign, it was found neceſſary, to make a law, for every perſon, to whom it belonged, to obey ſummons to parliament, or elſe to be fined or amerced, &c.

In the 1ſt of Hen. 5. the act was made, which ordained, that none ſhould be choſen knights of the ſhire who were not reſident in the county the day the writ of ſummons was dated. Nor any choſen burgeſſes but ſuch as were citizens, townſmen, &c. This ſeems to have been another ſtroke at the barons: how little it has been ſince obſerved we all know, and that in reſpect of moſt boroughs it is impoſſible.

The next remarkable alteration was by that ever memorable act of the 8th or 9th of Hen. 6. which confined the right of voting at elections, to freeholders of 40 s. ‖

To judge properly of this, the words of the act ſhould be recited. "Whereas knights of the ſhire had of late been "choſen by outrageous and exceſſive numbers of people, "and of ſmall ſubſtance. For the future, the ſaid knights "ſhall be elected in every county by people dwelling and "reſident in ſaid counties, whereof every one ſhall have in "lands or tenements to the value of 40 s. by the year at "leaſt *above all charges*, &c."

I find writers are divided about the primary intent of this law: what it was, we can judge at this diſtance only by reaſoning upon circumſtances; in my judgment, it was plainly deſigned to leſſen the influence of the nobility: that it

§ Robertſon's hiſt. of Scotland.

‖ That the 40 s. ſhould be freehold, was not declared till the 10th of this king.

was

was promoted and obtained by court influence, is presumed from the following reasons. 1. From the excessive sums granted, this parliament seems to have been intirely devoted to the court, *they granted* (says my historian) *as if they could not be tired with granting money.* 2. From the privilege granted in this parliament to the clergy, *viz.* that the bishops and inferior clergy, coming to attend their service in parliament, should have the same privilege in regard to the protection of their servants, as the peers of the realm. 3. From the frequent votes of credit in this reign.

But whatever the intent of the law was, the question arising from it of greatest importance to be decided now, is, whether from the reason assigned in the preamble, there is not at this day, a necessity for keeping up to the spirit of it, BY ALTERING THE QUALIFICATION; to make the estimate and determine the quantum, at which it should now be settled, will be best done by considering the different prices of provisions, near that period and the present, of which you will see some account at the end of this letter.

In Edward the 4th's time, you have a demonstrative proof, of what the king's prerogative in respect of calling and convening parliaments was: he by five different prorogations, continued one for near two years and a half; perceiving, probably, that parliaments were getting a head, and gaining power too fast; he chose, as he once declared he would, *to live as well as he could without them*, to which purpose, he not only contrived that new way of raising money by *benevolence*, but seized the temporalities of bishoprics, and traded in foreign merchandise.

Through the remainder of this reign, nothing more is to be observed pertinent to our subject, that deserves our notice, nor in the succeeding one of Richard the 3d.

In the 7th of Hen. 7. the most remarkable alteration happened then; in my lord *Bacon*'s words, *the gate was set open and wide for men to sell and mortgage their lands without fine for alienation.* Hence the power of the commons, without farther assistance from the crown, made way for itself. The balance of property, drew after it the balance of power; by slow yet by sure advances, it rose in about a century and a half, from a state of vassalage, to a state of superiority and independency. Henry, as I have observed, did not mean the thing, and instead of advancing under his son, it received such a check from the parliament's servility, as gave little reason to any friend of liberty, to hope that it might ever revive; after making the king's proclamations equivalent

lent to acts of parliament, what could they look for, but interminable slavery?

With Mr. Rapin, I agree, "That the divisions about religion were the grounds of this monarch's power. The revenues of the church were the bait, and wicked and preposterous as he was, had he been ten times more so, to share in the spoil they would have indulged his humour.

In this state, finding parliaments so complaisant, he seems to have been fond of them; in his five first years, there were no less than four, and in his sixth year he called another, in which it was ordered, that if any member left the house, and returned home without leave of the speaker, he should lose his *wages* *.

This parliament was held on by prorogation to 1516, and after the dissolution of it, it was full seven years more before another was called,—in which interval, many arbitrary measures of raising money were used.

In the 14th year of his reign, another was called, where cardinal Woolsey, with a splendid train, and all his trappings, went to the house of commons, and by a long speech, endeavoured to hasten the supply; the commons debated, and the king being told, that they made difficulty of granting it, he said to Mr. Edward Montague, a member of great influence, *Ho—man, will they not suffer my bill to pass*, and laying his hand on his head, *get my bill passed by to-morrow, or else to-morrow, this head of yours shall be off.*—The effect was, that the bill did immediately pass.

After this, he did not call another for six or seven years more, which held on by different prorogations: he at last dissolved it, and in the year 1537, called a new one, in which passed that famous act for extending the prerogative already mentioned; this parliament, by different prorogations, sat to the year 1541. In 1542, a new one was called, on occasion of the divorce of lady Cath. Howard: the same met in 1543, and 44, when his title of king of Ireland, was confirmed;

* It may here be noted, for the information of such as know not what is here meaned by wages, that they were levied by the sheriff, that the oldest writs for knights wages extant, are the 28th, 29th, and 32d of Edw. 1st. The first statute concerning them, is the 12th of Richard 2d. *that the levying of knights expences, should be, as hath been used before this time.* The wages in Edw. 4th's time were 4s. a day, for knights of the shire, and 2s. for burgesses, besides the charges of going, coming, and of writs. The last person that received these wages was *Andrew Marvel*, member for the town of Hull, he died in Q. Ann's time.

failing

failing to raise money by benevolence, he called another in 1546, for a supply, which had another session in 1547, and this was his last.

In all this time, then let me ask, Where was the constitution we now boast of? In the beginning of the 13th century, you perceive it dawning. In the beginning of the 16th, long before it had reached its meridian, you see a dark cloud overspread it, thro' which one ray of its lustre had scarce power to break. It might have been in the brains of some, and in the hearts of others, but plainly it was not in our laws or customs; so little, that had not the weakness which attends every minority, and the fears and inclinations of the protector SOMERSET, given some turn in its favour; had not MARY too, by restitutions, to the church and new foundations of monasteries, left the revenues of the crown in a very low incumbered state; (for as good a queen as Elizabeth was, in a reign of 44 years, the people of England might have been so habituated to slavery, as hardly to desire to throw off the yoke) the opportunities of exerting the generous spirit of liberty, tho' so many and so glaring under her two immediate successors, might all have passed unregarded. Mary, indeed, for a while revived the custom of annual parliaments, contriving to have none but catholics returned, no wonder she was fond of them; but Elizabeth in the space of 44 years, held but 9 parliaments that we read of, * and the watchfulness with which she guarded prerogative, and the sturdiness with which she maintained it, give little reason to think, that the shackles she wore, were very pleasing. Numerous circumstances however, conspired to make her court and wish to preserve the affections of her subjects. She was mistress but of a part of the island, in the other, had a dangerous rival, whose pretensions supported by the greatest powers in Europe, and abetted by a formidable party in the bowels of her own state, kept her in continual anxiety about her own safety. Ireland was totally alienated, and if she had not in many respects courted a set of people, *viz.* the puritans, whom she never loved, her situation must have been very precarious. Hence the gate which her grandfather had opened, grew wider and wider every day, and before the close of her reign, the ballance of property was so great in favour of the commons, that it was ridiculous to think, that ever things could be brought back to the state in which her

* One of her parliaments continued near eleven years, by a multitude of prorogations, with very few sessions.

father had left them, which was what James the 1st. had in view *.

The only apology to be made for him, was, that he did not know what the English constitution was, at the time he came to the crown. The change made by the alienation of lands, had been attempted in Scotland, it is true, under James the 1st. of that kingdom, in imitation of what he had seen practised in England, *to provide* (says the historian) * *A counterpoise to the great power of the barons*, but had not obtained. Scotland was, when he left it, still subject to the vassalage of knights services from feudal tenures, *&c.* and he imagined, perhaps, to find England in the same state. † In his speech at opening the session in 1620, he told them, *that at his first coming, he knew not the state of this land.*

In this reign of 23 years, four parliaments only were called; the practice went in the accustomed manner, they were continued, prorogued and dissolved *ad Libitum Principis*, without any remonstrance or complaint: meeting with nothing therefore in the history of it, which immediately relates to my subject, you might think it impertinent to trouble you with remarks upon the general occurrences, which gave occasion to the partial and unjust censures of Rapin, Roger Coke and others, who either inadvertently or maliciously, have upon their credit, been at great pains to blacken the character of this prince.—The more impartial writers of parliamentary history, having fairly detected and judiciously censured their slanderous misrepresentations, and to them I refer you.

Here a new and amazing scene opens, anno 16. Car. 1. That most extraordinary act passed, which after a palpable falsehood asserted in the preamble of it, "*That parliaments ought to be held once in every year, for the redress of grievances*; goes on and enacts, "That if a parliament be not summoned "and assembled before the 3d of September in every year, "then a parliament shall assemble and be held on the 2d "Monday in November following.—That if the lord chan-"cellor shall fail to issue out writs pursuant to the directions "of this act, then the peers of the realm shall meet at the "usual place, and they or any 12 or more, shall issue out "writs in the king's name.—That in case of default by peers, "the sheriffs, mayors, *&c.* shall cause elections to be made—"and in their default, the freeholders, citizens and burgesses,

* Robertson's history of Scotland.

† It was a saying of his, That he knew that by parliaments, which otherwise he could never have known.

"in

"in ſuch ſhall proceed, as if writs of ſummons had been "duly iſſued.—That no parliament ſhall be diſſolved or "prorogued within 50 days after the time appointed for "their meeting, nor adjourned within 50 days but by con-"ſent of either houſe reſpectively, who may appoint each "their own ſpeaker."

By this act, the crown was diveſted of all prerogative, and the weakneſs of the prince who conſented to it, is to me more unaccountable than the wickedneſs of thoſe who contrived it.

I have ſomewhere ſeen it obſerved, that by this law no more however was intended, than that *in every three years there ſhould be one ſeſſion*, which after ſuch long intermiſſion, and ſuch abrupt diſſolutions as the two laſt had been, might be thought not unreaſonable. I have not ſeen the ſtatute at length, ſo cannot preciſely anſwer as to this; but I confeſs, I ſee no ground for this preſumption in the part of it I have here quoted from the parliamentary hiſtory. Bad as this was, had the men who extorted this, ſtuck to their principle, the confuſion that followed, had in part been avoided; but a ſhameful inconſiſtency quickly ſucceeded. This very parliament was made perpetual, and the ſeſſions without intermiſſion, without even the formality of repealing the act. By one the conſtitution was altered, by the other it was diſſolved.

In the ſucceeding reign, this act was deemed ſo *antimonarchical*, ſuch an indignity to the king, ſuch a reproach among neighbouring ſtates, that to retrieve the credit of the nation, one of the firſt things thought of was to repeal it.

This the diſſertator on parties, in his dogmatiſing way, relying upon the ignorance of his readers, calls Charles the 2d's firſt attempt againſt the conſtitution, to which purpoſe, ſays he, *he improved and managed the ſpirit of his firſt parliament, ſo as to render the two houſes obſequious to his will.* Such a miſrepreſentation as this, can hardly be cenſured with ſufficient ſeverity: the king, indeed, from the throne, had recommended the repeal of this law, and his parliament chearfully concurred with him in it. In the preamble of the act for repealing it, they ſay, what every friend to our legal conſtitution will ſurely aſſent to, after reading the extract, I have already made from it, *That it was in derogation of his majeſty's juſt rights and prerogative, inherent in the imperial crown of his realm, for the calling and aſſembling of parliaments.* And when we recollect, that this was done in the very infancy of his reign, when it had been inexcuſable imprudence, if he had foſtered at the time any ſuch deſign, as he is here

charged with, to discover it, and that it was under the administration of the lords Southampton and Clarendon, men who stood in the way of every invasion against liberty, before any of those private cabals, which afterwards supplanted the latter, had been formed, and that by the accounts now to be read in the continuation of his history, there does not appear to have been any craft, or court intrigue employed to obtain it, an assertion so unwarranted, can have no other effect, than to make the author of it contemptible.

After this, we read no more of it, till the year 1693, when I need not inform you, that a *tory faction*, angry at themselves for having so hastily brought on the REVOLUTION, in opposition to OLD GLORIOUS set it again a going.

It is a mistaken notion, that this particular attempt, hath at all times been the result of whiggish principles: if you judge of principles by the men who have occasionally adopted them, or by the purposes for which they have been at one time assumed, and at another laid aside, you will be often puzzled to distinguish whig from tory, or which has the best claim to the principles. King William may be allowed to have been a good whig, but it seems, he was not whig enough to please the tories of his own times, or the whigs of ours. Yet as a wise prince, willing to preserve his own rights, without incroaching upon his people's, he refused at first his assent; intent, however, upon a war with France, as an expedient to get money, for a sum of *five millions*, (*a goodly price*) in the year following, he consented to humour them, we will say; but whether prince or people made the best bargain, the consequences, you will, perhaps, say, have too plainly decided.—If we may rely upon the histories of those times, or carry our reflections back to the transactions of that and the following reign, thro' which this law stood unaltered, we are warranted in affirming, that the great advantage pleaded to recommend it, was not obtained: whatever reason there was to cry out of corruption before, there hath been more since; the species it was intended to cure, was then but newly begun, and the effect hath only been to sharpen mens wit, in the invention of new means to increase it.

Under this embarrasment, the constitution, by the help of a foreign war, a watchful minister, and a successful general, kept up its vigour, and seemingly suffered little impair; but a few years of peace, when people had leisure to reflect upon their own feelings, produced new and different sentiments; when we see (for the thing is so recent as to be remembred by every body) both prince and people weary of its inconveniences,

niences, changing it for a *septennial* bill. Upon this footing, it hath stood down to our days, without one visible incroachment on the part of the prince, or any uneasiness on the side of the people.

To what may this be ascribed? To the contests, you will perhaps tell me, about power. He, who is struggling to get in, will always have a watchful eye to the conduct of the minister, and the minister will always be wary of engaging in measures, which may give the other a handle to supplant him.—If so, then our danger, with or without it, is none at all; because this cause will continue to operate, as long as one man can be supposed to have any ambition, or another any prudence, however little you may reckon upon his virtue. Be this as it will, shew me, I beseech you, the evil that by either hath been avoided?—Shew me the good, which the former hath ever produced?—If neither can be shewn, and I have truly stated its rise and progress, and thence proved to demonstration, that it was antiently no part of the constitution, but wrested from the prince in *bad times, by bad measures, by bad men, and to serve bad purposes*, the question recurs, and demands an answer, what right have we to call for it *here?* Here, where the prince's prerogative thro' so many generations hath gone on undisturbed, where the possible pretended advantages of it, are merely ideal and imaginary, and where the too probable mischiefs upon the first dawning of hope, that it may take place, are already breaking in upon us. Call it presumptuous if you will, but I will say, that at best it is a rash ill advised attack, savouring too much of that spirit, of which we have lately, ungratefully, and I hope, unjustly, been accused.

At present till it comes under parliamentary consideration, I may treat it with what freedom I please; when it does, respect to that authority, will make me cautious and modest. There gentlemen who stand up to support it, will come furnished with reasons and arguments sufficient, for aught I know, to apologise for it even to their sovereign; but as yet I have heard of nothing to excuse it, except that senseless plea, of its being *the sense of the nation, and the voice of the people.*

You, sir, should you happen to move it, will have a weighty charge, a vast load to sustain, and may not therefore take it amiss, if before hand, I caution you to consult *quid valeant humeri.* The same address, the same high sounding rhetorical flourish, which will raise acclamation in a town-hall, will not avail there.—There argument will be

expected to prove it *reasonable*, precedents, to prove it *constitutional*, antient custom or plain statute to prove it *legal*, and some notification of your prince's will to prove it *loyal*.

Should you be happily armed at all points, ready for the encounter, you will have still behind another task as knotty and puzzling as any of these, to prove it expedient or safe, expedient in the present use, and safe in the future consequences.—Upon which topic I promise to reason with you in my next; and here beg leave to make a short pause, to draw breath, to recover my spirits, already sunk under the fatigue of this tedious epistle. In the mean time assuring you, that I am, Sir,

Your hearty wellwisher,

and obedient humble servant,

PHILOPATOR.

In the year 1413, Wheat sold for 8s. a quarter. Malt for 5s.

In 1425, Pease 2s. 2d. a quarter. An oxe's hide 2s. 5d. A cowhide 1s. 3 ½d. A calf skin 1 ½d. Twenty one lambs for 4s. A dozen of sheep skins 3s. A tod * of pure wool 9s. 6d. Nineteen ells of napkin cloth sold for 5s. A gallon of ale 1 ½d. Red wine 8d. a gallon. Sweet wine 1s. 4d. Twenty pullets 1s. 8d. A stone cutter for a day's labour 4d. A tyler 3 ½d. A sawyer 4d. A quarter of an oxe to salt 1s. 4d. Twelve pound of raisins 1s. 1d. A great fleshaxe 1s. 4d. For 4 quarters of wheat to be malted 16s. A bay horse for the prior's stable 1l. 6s. 8d. Two colts 9s. Thirty pair of winter gloves 4s. For threshing a quarter of wheat 3 ½d. For one man ploughing and harrowing 12 days 1s.

In the year 1426, Five oxen each appraised at 3s. 4d. Six cows each at 2s. 8d. Three horses each at 3s.

In 1435, 1436, and 1440, a great scarcity on account of a wet autumn. Wheat sold at the immoderate price of 20s. a quarter, but fell again to 5s.

In 1445, seven quarters and a half of wheat came to 30s. Oats at 2s. Twelve gallons of ale 1s. 6d. Hay by the load 3s. 6 ½d. Twenty four bullocks and heifers 6l. each head at 5s. Cloth for surplices for scholars, the ell at 8d. this was the same as used at the altar, and therefore in those days certainly very fine.

* A Tod is two stone.

In

In 1449, Wheat by the quarter 5s. Fifteen sheep 1l. 16s. 10d. Seven hogs at 13s. 8d. each hog 1s. 10½d. Oats the quarter 1s. 10d. Beans 2s. 6d.

N. B. This account, of which enough is now transcribed to give the reader a general view, is taken from bishop Fleetwood, who takes notice, that from 1440 to 1460, wheat was never above 8s. the quarter, notwithstanding the sword was drawn between the houses of York and Lancaster, which usually cuts down corn as well as men.

LETTER II.

SIR,

AFTER a week's rest to recover my spirits, and compose my thoughts, I resume my pen; and hoping that by my compliments in the beginning of my former letter I have made new ones unnecessary, I shall begin now without farther preface where I left off then, viz. with calling the only thing I have yet heard urged in behalf of this new-fangled scheme, *a senseless plea.*

At the resignation of Ed. 2d, when his son had been duly elected and proclaimed, a parliament was immediately called. When the archbishop of Canterbury, then chancellor, opening by a speech the occasion of their being convened, according to a barbarous custom then in use, and continued long after, took for his text these words, *vox populi vox dei.*

This old pagan divinity consecrated in the cities of Greece, and Rome, (with which the gods in any monarchical state, never held intercommunity) how it came to be consecrated under a christian government, by a christian arch-priest too, I cannot account. But so it is, that we find it in many books of law, politics, divinity, and, if I am not mistaken, somewhere or other in the Lucubrations, even of Dr. Lucas. Now, sir, I must own to you, without the least meaning to offend you, that the very sound of it affrights me: I cannot away with it, for such frightful MISNOMERS, I would consent even to an *expurgatory index.* It is so teeming with evil, that the men who hold by it must ever lie open to the suspicion of evil. In the belly of the Trojan horse, there were not included more dreadful foes to the state, I fear it as I would the opening of Pandora's box. The best thing to be found in history, or that ever has, or may be said, of

this *vox populi, perhaps is that it helped your election*: but then, my good sir, are you thence sure that it hath made you one of the ELECT? Of this I have some doubts, for (as divines say) it doth not sanctify by its presence: without some other marks of *grace*, alas! you may be *reprobated* again.

It also made SAUL a king. It did so: but was it in that instance the *voice of God*? No indeed, it rose up in contradiction, and bawled out in defiance of it. Whence I pray you by the bye to observe, That at times it may be for monarchy as well as against it; and that tho' it should sometimes be right, it is always unprincipled, and so misguided, that in all the instances, where I have either known it urged, or appealed to, it has deserved more of my contempt than of my respect: it is a shift never recurred to, but when men have nothing else to lay hold, or to rest upon: what every man who pleases to catch at, will find ready at his hand, if he knows how to court or pursue it: half a score of bustling demagogues, properly cantoned, circulating thro' the places of public resort, and furnished with a competent set of toasts, may at any time infuse the sense, and spirit it up to clamour: this is palpably the mean by which in the present case it has been echoed about. We have got among us a set of men, who with very slight pretensions from property, and as little from character, want forsooth a place in the senate, and sensible that nothing but riot and disorder, and breaking down antient boundaries can open a way for them, have put this *gigg* into their heads. Lord Bolingbroke*, somewhere speaking of a house of commons, says, *you know the nature of that assembly, they grow like hounds, fond of the man who shews them game, and by whose hollow they are used to be encouraged.* I will not take the freedom to apply this to a house of parliament; but I will to all mobs, and such I call those seditious multitudes, from whose outrage, and uproar, the sense of a nation is generally collected: it is their proper character, with this addition, that they always hark in to the loudest babbers of the pack, without even the impulse of natural instinct, or any certainty, that the game is started.

Were I a candidate for a potwalloping borough, or a northern county, you will perhaps tell me, I would talk in a different strain, and I should answer That till we are tried, we rarely know ourselves: I have possibly passions that lie

* Letter to Sir W. W.

dormant,

dormant, only because they are not invited, or called into exercise: but in my present subordinate state, I desire no greater powers than I can manage with discretion: instead of a peaceful subject as I now am, I might under the influence of the law now projected, baited by temptations it would throw in my way, become licentious, clamorous and seditious: instead of that calm attendance upon duty, which, as a magistrate, I now pay at quarterly sessions, assizes, &c. I might be penning factious addresses, solliciting subscriptions, and so bustling up to be a popular leader.

In deliberating about such matters, it were no ill method to begin with examining their tendency, to make us better men, or better subjects: whatever political advantages you or any man may imagine may accrue from it, if this end may not be forwarded by the proposition, I shall be for ever against it, say what you will. Those very people whose voice is called, *the voice of God*, want to be reclaimed, they are giddy, tumultuous, have little ballast, and less grace: and for God's sake, sir, shall we knowing this to be their condition, croud all the sail we can, and set them running before the wind without pilot, or helm? If we do, what will become of the ship? How many shallows and rocks, don't you see lye in the way, against which they must inevitably dash and be split?

Go on regularly with the enquiry, and the next step to be taken, will be to examine the state of the constitution: not by feeling the pulses of the constituents or candidates (for you are called to nobler employment) but the health, and soundness of the several parts. Is the ballance even, in that just poize, in which, by the original scheme, it ought to be? Let it stand so, the slightest tampering will give it a turn, and the slightest turn may be dangerous; is one scale already overloaded, and the other too light? To no proposition that may throw an addition to the former, can you honestly or conscientiously consent. The vigour and strength of every body, political as well as animal, depends, you know, upon three things; that the parts are justly proportioned, an equal distribution of aliment, and such exercise as may preserve regularity in the secretions: as a skilful practitioner, you, sir, will therefore vary your prescriptions according to the case. By new light, greater knowlege of these matters will now daily break in upon you; and tho' it may disappoint those who look upon you as a tool of faction, we shall in a little time hope to hear different language from you within doors,

from

from what we have hitherto heard, either from you or of you without.

There is, ſir, you muſt have obſerved, a notable fallacy in moſt of our modern political terms. The technical ſenſe of the word *patriot*, as now handed about, what is it? If old Littleton, (he who, you know, put *homo fanaticus for whig*) were this day to make a new edition of his dictionary, he would be as hard ſet to find claſſical latin for this: the true archetypal idea is that of a man, under a due temperature of moderation and fortitude, and invariably attached to the legal conſtitution of his country. But in the applications you hear, and the diſtinctions you ſee, there is a perfect contraſt, no one thing that correſponds to it. In the parts of the country where I am acquainted, as often as I hear the word, the image it conveys is either that of a home-bred ignorant ſquire, a purſe-proud jobbing grand jury-man or grazier, or ſome little dry fanatic probationer in the law, who, from ſome foreign republican ſeminary, has brought home juſt as much erudition, as will ſerve to make thoſe ſtare who have none at all. From men of breeding and parts, who know the connection between religion and liberty, and the dependency, which each hath upon good government, you never hear any of that jargon which characteriſes the claſſes I am now deſcribing: aſk any of them what thoſe popular rights and privileges, about which they are perpetually dinning your ears, are, or how they come by them, they can anſwer only by repeating the little creed they have learned; which conſiſts of three articles, that they are their birth right, are transferable, and as ſoon as they are delegated, convey a kind of omnipotence to the truſtee; and amongſt theſe truſtees, the term patriot is due only to thoſe who in contradiſtinction to all other claims are zealous to maintain, and inlarge theſe privileges.

Let me beg of you, ſir, to undeceive them; you may, and can with ſafety aſſure them that the rights they talk of, never were, nor ever could be, either in them or their repreſentatives: ſince in the repreſentative, they are ſuppoſed to exiſt only by delegation, and no man can delegate what he never had or hath. The rights of humanity in the ſuperiority they give us over other creatures are very great, in reſpect of one another very ſmall: in the ſocial ſtate we intirely diveſt ourſelves of all power, except that of preſerving our own beings, and thoſe to whom we have given being: this conſequently is all that I or any man can delegate: whence it follows again, that the truſt repoſed by me in my re-

representative, implies no obligation on his part, to procure for me new or greater privileges than those I already have; but only to preserve me from the oppressions of power: to maintain us in the quiet and easy possession, of such privileges as were originally compounded for in the compact with our prince, (if any such compact ever was, or can be proved) or have been conveyed since by laws to which the prince hath consented.

To live in ease and security, I do contend, is the sole condition of the trust; do we enjoy these we have right to no more.

Away then with that foolish but fashionable jargon of rights in the people to instruct their representatives, to call them to account, and to resume their trust as often as their humors and passions, artfully inflamed and blown up, may invite or dispose them. The first principle from which this whole train of silly consequences is deduced, viz. *that all power is derived from the people*, is absolutely false, false in theory, and false in fact. You might with equal sense, and good reason conclude, that the power of an Irish shepherd is derived from the flock which he herds; and because by his office, he is bound to preserve them from straying, being stolen or worried, that therefore he is obliged to lead them to every field of corn, and clover in the neighbourhood, and even to level all the mearings, and inclosures in the way: think attentively, and you will see the cases are very nearly parallel. There are many rights, and privileges in the representatives, that never were in the people; derived from a different source, from the concessions of our princes, and confirmed since by laws, to which the people never gave consent, nor were ever consulted. To you a specification of particulars will not be necessary: we should therefore unite to explode all such fancies, nor at any time tolerate, as queen Elizabeth * called it, *such new fangledness*; but reduce, if we can, the people again to their senses, and ourselves to our duty.

Collect then, sir, the powers of your reason, and deliberate fairly, will the scheme proposed increase, or will it lessen the powers of the people? Or on which side will the utility, and expediency be found to lie: as you stand engaged, you may be shy of owning your thoughts; but I may answer for you, whatever part you take in the determination of it, that you are too discerning not to see, that the former will

* Speech to her parliament, anno. 1585.

be

be the consequence, that such an augmentation of power, ill-tempered too, and disproportioned, will be gained to the people, as, if it may not subvert, will surely indanger the constitution. It will set the people as much above their representatives, as their representatives are already above their prince, and subject them in their turn to the same freedom and insolence.

By the riot, and debauchery it will introduce, it will give every engine of faction, and sedition freedom, and opportunity to play off in their full vigour, and such accumulated perjuries will follow, as the heart that is awed by religion must tremble even to think of.

Fain would I that some of our refiners would charitably oblige us by specifying its advantages, in any form in which it may be dressed up and presented.

After frequently revolving it in my own thoughts, I see but one thing capable of reconciling it to my reason. *To lessen the numbers both of constituents and candidates, by enlarging the qualification.* Put us into that state designed by the spirit, and first intendment of the law: i. e. provide that both electors, and elected shall be so qualified, as may put them above the suspicion of corruption, and below the power of corrupting, with such an interest of their own, as may be supposed to tie them to the interest of their country, in its legal form of government, and I shall be an humble petitioner for it in style, and manner that becomes a subject. But, sir, whilst things stand as they are, whilst every bustling upstart who can kick up a riot is qualified to be a member, and whilst every wretch who may be tempted to perjure himself, is intituled to vote; whoever is for it, I shall be against it: if it comes before these errors are corrected, it will set us all by the ears, and the majority it will send,——whither?——To the De——l, I fear. His majesty, I apprehend, will have no reluctance to grant them annual parliaments if they like, and it were perhaps the better way to bite those jobbers of boroughs, and to humour them in their folly; not a man of them I dare say, but seeing their error would then quickly recant; but to consent to a scheme like this, so crude, so unconcocted, he has too much wisdom, and will probably be too well advised.

Look back, sir, to antiquity, and ask yourself what it was that hastned the period of the Roman commonwealth? *Was it not the unbounded power of the commons?* Whilst the state was small, and numbers easily counted, their powers could be managed with discretion, consequently with safety;

—but

—but the commons multiplying in proportion to the ſize, and wealth of the ſtate, the orderly exerciſe of thoſe powers became impoſſible; and thus, *by popularity a way was opened to tyranny.* It ever did, and ever will grow out of this root: HERE it will haſten, and make it unavoidable.

When a right of voting was given to men who had a freehold, to the clear value of 40s. as lands then rented, and money bore intereſt, it did, and could fall into but few hands; ſo few that in the largeſt county, when ſummoned to elect, like the commons of Rome in the *campus martius*, they aſſembled in an open field, and the election was the buſineſs at moſt of a day. Now—from the prodigious change that time, and thoſe contingents which time will always produce, the term allotted for the return of writs, in ſome counties and boroughs, is hardly enough to take the poll.

A difference in the caſes I do admit; in Rome the power was in the collective body of the people, here it is, yet in the repreſentatives. But the queſtion offers, how long may this difference continue? If the law goes on, will it reſt there for any time? The people's hands are already extended to graſp it, and who can blame them when they are ſo fairly invited? Divide property in land into ever ſo many parcels; theſe may be ſubdivided into ſtill more and ſmaller, and the occupant ſwearing that by his means in the management, he hath a profit of 40s. will ſtill be intituled to the privilege. Hence from the manner in which voices have multiplied in times paſt; you may eaſily compute how they may, and muſt double upon you: in ſome places *ten* out of *one* where only one was intended or neceſſary, have already been created, will not the ſame in a duplicate proportion be done in times to come? At this rate the means even of regiſtring will be difficult, and elections in the true legal way will be impoſſible. For the invonveniences annually ariſing, new laws muſt be made, and thus the CODE already ſwelled to an enormous bulk, will be too great for any human capacity to underſtand or explain, and out of that, an evil, which every man already feels, and complains of will ariſe, innumerable practitioners! endleſs lawſuits! eternal ſtrife!

In boroughs, and towns corporate will the caſe be better? Are the qualifications, and the numbers of voters aſcertained; a monopoly inſtantly enſues, a property with good looking to perpetual, and the number of boroughs upon this footing, outnumbering the counties, and free boroughs in conjunction, where will be the advantage of your ſcheme to the cauſe

of

of that liberty you contend for? Will it give any new or better ſecurity? Will not that infamous jobbing, that worſt and moſt abominable kind of corruption at preſent openly practiſed,—ſpread and increaſe by it? There cannot be more ſellers; but there will be more bidders, and out of ſeptennial parliaments you will have ſeptennial auctions of boroughs: when the beſt bidder will be ſure of being returned, and he, honeſt man, will undoubtedly never think of any methods of reimburſing himſelf.

In the free boroughs where the numbers are indeterminate, the ſame will happen as in counties, the freemen will multiply 'till they can hardly be reckoned, and the ſame licentiouſneſs, immorality, confuſion, &c. will be intailed.

In this view, to give the argument in favour of your ſcheme any weight, you muſt ſuppoſe, that this multitude will at all times be ſo ſtupid as never to be ſenſible of their own importance. That if they feel any grievances, or imagine they feel them, which is the ſame thing, whenever they complain or call for redreſs, that they will do it ſoberly, without tumult, ſedition, or noiſe; never think of extending old privileges, or demanding new ones: if they ſhould, in what capacity will you the repreſentatives be to oppoſe them? Their right to inſtruct, and impoſe teſts you have already acknowledged; and under the certainty of incurring their diſpleaſure, if you do not act up to them, and knowing you are ſo ſoon to account; how will you face them, if you have been unfaithful in your truſt? How blind, after this view, muſt the man be who does not ſee, that this law will in no long tract of time, throw the whole power of the ſtate into the hands of the people of the ſeveral collective bodies, and ſo create a new kind of commonwealth, which even the author of OCEANA never thought of. When the greater the poſſeſſions any man has, the leſs power he will have, his tenants inſtead of ſervants to do his will, will become his maſters; by paſſing this law, you will in effect proclaim a jubilee, by which every ſeventh year, not only all bondſmen will be free, but all bonds ſhall be cancelled; and all rents, debts, dues, and ſervices diſcharged, all obligations at leaſt between landlord and tenant. Gentlemen may judge of what may be from what hath been; one of the beſt, and perhaps only ſecurity againſt the multifarious evils of this ſcheme, lies in the numbers of R—C— among us, and the chance, that they will not be ſoon or eaſily converted: not, for aught I ſee; but it may be a mean to haſten their converſion, (the privileges are ſo many and ſo tempting) but that on the other hand,

hand, it may be an inducement to ſlacken ſome mens zeal, if not to encourage them to ſtand out, to leave them at leaſt to the miſeries of their own blindneſs and obſtinacy.

But ſtill it is pretended, that even yet, after all our ſtruggles for liberty, we have no ſufficient barrier againſt the invaſions of prerogative by miniſterial tricks, whereof variety will always offer, and may be too ſucceſsfully played off in a reign ſo long as the laſt, without ſome new ſecurity the independency of parliament may be loſt.

In this objection lies the whole ſtrength of your cauſe, all that your ableſt advocates have at any time offered in defence of it. Let us therefore reaſon upon it, and try whether it has ſtrength to bear the load of this new-fangled claim.

It will not, I preſume, be denied, that all ſocial rights reſt upon one common foundation of law and equity: that wherever a controverſy ariſes, whoſoever the parties are, the appeal muſt be to theſe: prince and people are alike, bound to abide by it, if one can plead no exception, neither can the other. Put the caſe then, that A, is under recognizance to B, for his good behaviour, till ſuch time as A hath forfeited by breaking the peace, you will not take upon you to ſay, that B, has any right to bind him by new or ſtronger bonds: the poſſibility that another may, or the ſuſpicion that another intends to invade or oppreſs you, gives you no right to be the firſt aggreſſor by a ſcheme to invade or oppreſs him.

If the prince on the throne, ſhould think of re-demanding the jewels ſtolen out of his crown, (i. e. of picking up the ſcattered ſcraps of his mangled prerogative) the ſtatute of preſcriptions at this day might reaſonably be pleaded againſt him, and the perſons who ſtole them might legally, tho' not equitably, maintain the poſſeſſion; for altho' in the natural ſtate, a man in ſearch of ſtolen goods, wherever he finds them has a right to take them, in the ſocial ſtate he muſt firſt have a warrant by law, and coming without it, the uſurper may reſiſt and detain. Now in the caſe of the king, he can eaſily ſee where his goods are, he can prove his property, and he can tell who ſtole them; but I ſee for all this no reaſon to ſuppoſe, that he either means to apply for a warrant to reſume them, or if he did, that there is any likelihood that it would be granted. The conſequence I hold, is therefore inconteſtable, that as long as we enjoy our privileges in quiet under the protection of laws that have never been violated, we have no right to look or to call for new or greater ſecurities.

I will

I will not go so far as to say that in no case subjects have a right to petition, or propose the amendment of law; because cases may arise to make it necessary for the mutual security of both prince and people, and it is not within the compass of human wisdom to provide for all future contingencies, or to strike out a plan, that will equally suit every succeeding age and generation: but this I do say, and will abide by it, that wherever a constitution is once settled and agreed to, the parties contracting are reciprocally bound to adhere to it, and neither have a right to compel the other to submit to an alteration, by which one would suffer in his prerogative or the others in their privileges. Let us apply this to a particular case. Charles I. came to the crown (it has been proved) * under none of those limitations by which he and his successors have been since fettered; they acted upon precedents which he found established: had Charles therefore adhered to these, and gone no farther, he was strictly justified, the attack made against him, had been unconstitutional and illegal, and the men who made it, had not been in any rational account *patriots* but *parricides*. But the truth is, that he did go farther, in many instances violated the law, and by doing so the subsequent opposition was justified: in the particular instance now before us, he governed for 12 years, without calling a parliament, the precedents established gave him a right to do so; Elizabeth had done the same, and so had her predecessors immemorially. Whence I argue and infer, that if in the interim, he had done no other illegal or unconstitutional act, he could not for this singly have been justly called to account. Gentlemen who reason otherwise, don't seem to have considered the whole of the case: a king of England by his coronation oath, swears as well to maintain prerogative as law; and tho' a certain author, has left this out in his idea of a *patriot king*, he is, in my judgment, as strictly obliged to leave, and hand down the rights of the crown intire and unviolated, as the rights of the people: by antient usage the prince had this undoubted prerogative of calling parliaments whenever it was necessary, expedient, or adviseable; he was the sole judge too when it was necessary; and Charles was the first of our kings, who had ever consented to any law to limit this prerogative, or would even hear of any proposition of that tenor. If this reasoning will not hold, it is a jest to talk of constitution at all, there is no point at which we can stop, no lasting settlement can ever be hoped

* See Mr. Hume's history of Britain.

for,

for, or contrived, whenever subjects think that their state may be bettered, they may call for new and greater powers, and may attack, oppose and resist, till they have wrested them from him; the king will have no prerogative, but be for ever at the mercy of his commons, in a state, to which even Dr. Lucas would hardly wish to see the monarchy of England reduced.

As to the remaining part of the objection which respects the independency of parliament: I answer, that it is an idle and impertinent notion, a thing impossible and inconsistent with the principles of our constitution. The writer already quoted *, lays it down as a maxim, *that in a constitution like ours, the safety of the whole depends upon the ballance of the parts.* Which is the very thing I contend for, and it is undeniably true: but, when he adds, that the ballance of the parts depends upon their mutual independency, he both asserts a falshood and contradicts himself: on the contrary, it depends upon their mutual *dependency*; for the moment that one is independent, the constitution has its period, and must rise again before it can exist: if the king was independent of parliament, you and he, and every writer of your side, would quickly own the thing; and if the parliament were independent of the crown, would not the consequence be the same? A new form of government would instantly take place.

Again, in respect of the ballance, there is also a very considerable difficulty; do you, sir, dress it up to your own liking; pare, polish, and refine, with all the subtilty and skill you have, will you ever be able to fix it so equal, that there shall be no inclination to either side? If this exact and equal poise could be fixed, I ask farther how long it might be supposed to rest? Is there any way to keep it from vibrating and turning? It defies, let me tell you, human wisdom; with this difficulty policy may struggle, but it will for ever struggle in vain.

But, I must advance one step farther, by affirming, as I am well warranted, that at the time our constitution was taken to pieces, put together again, and, as we may say, rebuilt, this difficulty was wisely foreseen by the builders; what they saw was impossible, they did not attempt; but left the inclination to that side, where they apprehended least danger, and where by antient tenure, there was both an equitable and a legal claim.

* Oldcastle's rem. let. 7.

What I have here asserted, is confessed by the forementioned author in his dissertation on parties, and he uses it as an argument to prove that "The builders at the revolution, "were a parcel of bunglers, who had no foresight, nor any "capacity for the business they were about." *The claim of rights*, was a weak and a useless piece of work: why? For a very odd reason indeed,—*Because after declaring that parliaments ought to be held frequently, it did not declare that there should be frequent new parliaments.* True, it does not, and for that I honour and revere the memories of the men who drew it up, for this mark of their integrity in the care of posterity as well as themselves. Had they been in the same disposition, as unprincipled as this writer, and many who are fondly copying him, monarchy had then been lost, or a new revolution must have quickly succeeded: the event of which we may well compute, had been less favourable to liberty: for I maintain it is a principle not to be impugned, that frequent revolutions, must and will at last end in despotism and tyranny. And we may not unjustly suspect the man, who pleads the necessity of a new revolution to repair the defects of the last, *to do*, (in his own words) *what the last wholly neglected*, for neither being a friend to the last revolution, nor to any so moderately conducted, where the issue was so contrary to his desires.

My address, therefore, to gentlemen descended from the old *Oliverian* adventurers, will not be improper, whilst I recommend to them a little modesty in their language, upon these occasions.——Let them in their carousals (since they like it) commemorate the pious acts of the tyrant their benefactor.—But let them consider, at the same time, how the property they derive from the extravagance of his power may best be secured.—Whether in the consequences of another revolution, the chance of adding to that, or losing it altogether be greatest.—No succeeding one will probably give them better security for what they hold, and nothing can faster, or sooner bring one on, than these bold unwarranted and unprecedented attempts to give new and greater privileges to the people.—Every new encroachment on prerogative, is an essay towards it.—Let us confess (for it is undeniably true) that prerogative already pared to the quick, hath no more loppings to spare.—We see it already stripped and defaced, so pinioned and cramped for fear of doing evil, that it hath scarce power left to do any good.—Our wisdom, therefore, will be to stop our enterprises and assaults, till some real danger from that quarter shall threaten, of which the

the prospect at present, from the disposition of the prince, or the temper and conduct of the minister, is as little and as distant, as that a king of Siam, or a crim of Tartary, shall come with an army to invade us.—Let us confess what is in the guts of all these grumblers, that without frequent new parliaments, power may go on so long in the same hands, that THEY whose chance lies only in discord and confusion, shall for ever be excluded.—In fine, sir, by going on as we are, peace may continue, laws be inviolate, magistrates have authority, discipline be kept up, and the necessary subordinations preserved.——CHANGE, and take my word for it, you will quickly see an end of them all.

These topics of *conveniency*, *expediency*, *public tranquillity*, *strength of government*, &c. the last mentioned writer, explodes as trifling and ridiculous, (as well he might, they were all so strongly against him) and boldly assumes without reason or evidence, "*That frequent new parliaments are necessary to* "*restore the constitution to its antient state.*" Upon the merits of the case, the reader may now decide, since in my former letter I have shewn, that they are alien to that, mere modern innovations; and every thing that he has said to amuse and impose upon his countrymen, mere empty vapour and flourish.

Could you, sir, take a survey of what hath lately passed among us in parts of the country where elections are contested, what licentiousness and immorality they have introduced, the connivance and encouragement given to them, the relaxation of all discipline, and, in a manner, the suspension of all law; every man without check or controul, doing what is right in his own eyes, even you (I presume) would not laugh at arguments drawn from these topics.—Whenever faction, sir, shall triumph over law, religion and virtue will have little respect. Barriers against corruption, will in vain be projected. Think what you will, these are the banks that keep it out: an act of parliament (whatever the preamble of it may be) if it levels these, will let in an *inundation*.

Suppose, if you please, tho' it admits of no proof, that it might stop one species of corruption, or preserve one class of men from contagion, how many will it create of another kind, and double their influence!—For one that may be saved, a thousand shall be corrupted; of whom the odds is, that after they are corrupted, the greater part shall also be perjured.—Of this species of corruption, what vestiges are

to be traced in our records, 'till about a century ago, when this change in the conſtitution firſt began.

Were I to write on till I had unburthened my thoughts, to inlarge as the ſubject deſerves, I ſhould hardly know when to end.—I have tired myſelf, and too probably tired you; my inſtructions, therefore, I will ſend in a poſtſcript, and for the preſent put an end to your trouble.

Vive vale. Si quid noviſti rectius iſtis
Candidus imperti. Si non, his utere mecum.——

POSTSCRIPT.

Containing Inſtructions to A. A. } Knights of the Shire
and B. B. } for the County of—

GENTLEMEN,

AFTER being ſo kindly invited, in terms ſo courtly and ſo engaging, you can neither be ſurpriſed nor diſpleaſed, that I cloſe with the opportunity of ſending you the beſt inſtructions I could think of. You have received others I know of an earlier date and different tenor, and under this contrary direction what you will do, whether you will think fit to purſue either or neither, muſt I fear, be referred to your own judgments; however you were reſolved to ſubmit them to ours.

For my own part, I confeſs freely, that I am not a judge what your privilege or my own right in the matter is; in the conduct of the controverſy under the adm——n of ſir R——— W———, the only inſtance in which I read it was ever debated; I do not find that the diſputants, though they never agreed, did much differ. The country party did not then pretend to ſay, that a repreſentative, like a Dutch deputee, was to receive his inſtructions before he ſet out, and like a general or embaſſador, tied down to the letter of them: neither did the court party go ſo far as to ſay, that the ſentiments of the conſtituents ſhould have no weight. The truth I believe is, that neither knew what they were ſaying; men gave their opinions freely without doors, but within they kept them to themſelves, and acted as their intereſts or principles led them. How you will demean yourſelves time muſt ſhew; but I doubt you have drawn, as we ſay, an old

houſe

houſe over your heads; and may find reaſon in time, to wiſh that you had not been ſo liberal of your invitations. Be this as it may, I am now to proceed.

As the friend of liberty, I wiſh to ſee all men in the quiet enjoyment of their legal privileges. From the ſame affection, I bear but impatiently to ſee the whole legal privileges, in many caſes, all the rights of a nation, at the mercy of ONE of the *eſtates*.—My (1ſt) therefore, and moſt weighty inſtruction is this,

"That a new claim of rights, upon the model of that "made at the revolution, be inſtantly prepared, and at "firſt meeting preſented to the houſe; in which may be "defined with the greateſt nicety and exactneſs, every "*right*, *power*, and *privilege*, juſtly inhering, or legally "belonging to the commons of Ireland, either in their "collective body, or as individuals of that body."

This, I humbly preſume, you will think ſtrictly conſtitutional; for this reaſon, that till it is done, we have in fact no conſtitution at all. Since the received opinion is, that the privileges of the commons are any thing and every thing which they pleaſe, when aſſembled, to call them free from the cheque of all ſaucy prerogative:—I call for this upon a double account, for my own ſake, chuſing never to offend or tranſgreſs any legal boundary, that I may know when I am ſafe.—For my ſovereign's ſake, that in the execution of the law, HE may know how to protect me.—The limits of his power he has fairly ſet out.—It is equal to acquaint him with the limits of your's.—Whilſt the head is controuled by law, ought one of the eſtates to be above law? You will not allow him to take a member from you, why ſhould you be intituled to take a ſubject from him?

To men who talk much and often of the antiquity of our conſtitution, the power and privileges of parliament, &c. it were no bad method of inſtruction, to deſire them to look back, and ſee what it was a century or two ago. In the reign of Elizabeth, when the *commons* by their ſpeaker petitioned for privilege, the anſwer from the throne was generally to this effect; privilege of ſpeech is granted, but you muſt know what privilege you have; not to ſpeak every one what he liſteth or cometh in his brain; but your privilege is *aye* or *no*; wherefore, Mr. ſpeaker, her majeſty's pleaſure is, that if you perceive any idle heads, that will not ſtick to hazard their own eſtates, which will meddle with reforming the church

and

and transforming the commonwealth, and do exhibit any bills to such purpose, that you receive them not.—To your persons all privilege is granted, with this caveat, that under colour of it no man's ill doings, or not performing of duties be covered or protected.—This precedent, has not indeed been invariably followed. But if more hath since been assumed or granted, we should reasonably expect to know what it is, and that some point may be fixed, whereat to stop.

(2) "It is required, that at convenient time after meeting, "strict scrutiny may be made whether any members re-"turned to serve in parliament, have either given or re-"ceived any sums of money for a seat in that house, to "any sheriff, mayor, other returning officers, or to any "peer or commoner of this realm; and that upon dis-"covery of any such, some note of infamy may be mark-"ed on the offender by expulsion, or otherwise, finally to "stop and prevent for the future, this worst and most dan-"gerous kind of corruption."

If the fountain be polluted, it is idle to expect that the streams will be clear; and the same oath that the freeholder or elector is to take, should, methinks, *a fortiori*, be taken by the representative: this is for the honour of parliament, and is recommended by a very notable precedent, which I may be allowed to recite.

Anno 1571, Eliz. 13, one Thomas Long gent. was returned for the borough of Westbury, county of Wilts, who being found to be a very simple man, not fit for the place; was questioned how he came to be elected.——The poor man immediately confessed to the house, that he had given to Anthony Garland, mayor of the said town of Westbury, and one Watts of the same, four pounds for his place in parliament: hereupon an order was made, that said Garland and Watts should repay unto said Thomas Long the 4 l. they had of him: also that a fine of 20 l. should be assessed for the queen's use, on the said corporation of Westbury for their scandalous attempt. —That the said Thomas Long, should be discharged from all bonds given to the said corporation for executing his place in parliament; and lastly, that the mayor and Watts should be sent for by a pursuivant, to answer such things as should be objected to them by the house.

We have no account what the event of this inquiry was, if it went no farther, tho' the man's simplicity might in some degree plead his excuse; he was as much the object of their resent-

resentment as either Garland or Watts. It is, (says my historian) a remarkable instance of the incorruption of parliaments in those days: this in my apprehension is not so clear. If the privilege was then of so little value, we are not to wonder that bribery was then uncommon, all that the poor man could have proposed to make by his seat was a little saving, by living at board, out of his wages of 2s. per diem: for queen Eliz. by the perfect obsequiousness in which she kept her parliaments had no occasion to bribe.—If we are to suppose that the sense of this excused him to the house, a reason offers for a contrary conduct, in an age when a single seat, as we are told, is sold for 17 or 1800l. A man who purchases at this high rate can hardly be supposed to look for, or find a way to refund himself: I will imagine the best, that honour in the opportunity of serving his king and country is his motive. But I am not without suspicion that whatever the seller may intend, the buyer has no thought of subjecting himself at the end of six or seven years to the same expence; and gentlemen from this hint may be instructed, that in this practice an insuperable bar lies in the way of their new favourite scheme; on the other hand constituents may be led to consider, how far they can or ought to depend upon the patriotism of men, who either buy or sell at this high rate.

We are told farther, that some little time after, in the same session, upon some speeches made in the house, *that some members had taken money for their voices*; a committee was appointed to examine into it, who the next day reported, *that they could not learn of any member that had dealt unlawfully, or indirectly in that behalf*; but the report was so quick, that I doubt the scrutiny was not very strict. If inquiry is now made of the same, I have no suspicion that any contrary evidence will appear; by recommending it, I must be supposed to consult only the honour of the house, and every particular member.

(3) "I do propose and require, that you will move for a "committee, to review and make a summary of all *resolu-* "*tions* on your journals, since the first of William and "Mary, down to the last of George the 2d.—That, after "carefully examining, if any may be found inconsistent "with law, or the acknowledged rights of your constitu- "ents, they may be quickly *rescinded*".

I go no farther back, because at that time a settlement was made, to which I implicitly subscribe and firmly adhere. But

is

is it not a dreadful thing, that in this land of liberty, a man shall be intituled to property by law, and yet precluded by a resolution of the commons from asserting it legally? Can a man who refuses to comply with this requisition, be the friend of liberty? Had we, your constituents, this power in ourselves, would we convey it to you? How can men who confess that their powers are delegated, pretend to usurp this? It is a species of tyranny in any European monarchy never heard of, to the worst of our kings, this is the worst objection; such of them as were deposed and lost their heads, did nothing worse, or perhaps so bad. In a late case, between a certain baronet, and an old Irish proprietor, I had the pleasure to hear this justly insisted on, and at the same time the astonishment to hear the same men disputing against themselves, when afraid that their reasoning would be applied to another instance.

(4) "I do require and insist, that, as far as in you lies, you "will provide either by some new law, or by explaining "the laws already made, for the freedom of elections. I "mean, that when a member is duly elected, he may at "no time be sent back upon us, and we compelled to go "to a new election."

Bating that in many cases, it is not easy to find a second person properly qualified for this important trust; it is in any case a hardship, that we have ever very reluctantly borne, even before we came to a full understanding of our own privileges.—If you have a right of chusing your own member, what need, I pray you, of so much parade? The shorter and better way, would be to direct the sheriff to make return of four or more, and out of them to chuse to your liking.—I remember, when a lad, to have been present at the debates upon the merits of a famous election, for the county of W—M——, when the orators grown weary, and the question called for, the first L——d A——n, then a member of the lower house, abruptly rising to go out, was caught hold of by a friend near the door, and asked, *what*, Jos, won't you stay to vote with us? No by G—g—g—d, says he, I won't, for I don't like the *man* on one side, nor the cause on the other. There was more honesty in this, than was in the majority upon that question, and yet it was not honest enough; because not liking a man, whether for his face or his fame, is no reason to bar him of his right, as long as this privilege is stood upon. The king's writ, is but a kind of *Conge d'Elire*, and

and we your conſtituents, with whatever compliments you may pleaſe to ſalute us, are little better than cyphers.

(5) " You are hereby inſtructed to oppoſe and prevent, as " much as in you lies, the making of any new laws, " where the neceſſity is not both urgent and apparent."

The reaſon of this requiſition is given very conciſely in a ſpeech by Mr. Fulk Greville, anno 1592. " The more " laws, ſays he, we make, the leſs liberty we have to our " ſelves." It was by multiplying laws, that our kings unwarily loſt ſo much of their prerogative, and people will not believe it; by this we are every day running into ſlavery, to make prerogative our only law; are they not already ſo multiplied that hardly A— M— can tell at preſent what is law, and what is not law? Do you wiſh to ſee all the property of the ſubject in the hands of the gentlemen of the long robe?

(6) " To deſcend to leſſer matters, take a hint about the " vexatious property of the clergy, and do ſomething to " put us of the laity, upon a better footing with them."

You know every body is weary of them and of their claims: from the uncertainty of modus's and cuſtoms, you may tell me their property is precarious enough already, in ſo much, that it is ridiculous to call it one, for this reaſon, that none of them can take it to market; yet when you conſider that they have as many ways to puniſh us, as we have to vex them, and that tho' the verdicts of juries are always for us, becauſe we can in any caſe get witneſſes to prove any thing we allege, the opinions of judges are moſtly againſt us, it may not be unadviſeable to do ſomething in the matter. It is not for their ſakes I call for this, for, attached as they are to men only by intereſt, and of courſe by principle, they will ever be bars in the way of that unlimited liberty, which is to grow out of another revolution, but in truth for our own. If it could be done, the beſt way would be by a root and branch bill to knock off the whole; but if matters be not ripe for that, till better times may come, let ſome means or other be contrived to ſhorten our diſputes; that it may be no longer in our power alternately to haraſs and plague one another.

(7) " Before I conclude my inſtructions, hear a word in my " own behalf."

When Socrates was convicted, and desired to name his own sentence, you know what it was, *To be maintained in the Prytanæum during life, at the expence of the state.* I have laboured, you see, strongly, and conscientiously to inform and reform my countrymen, *Multa Feci Tuliqua sudavi et alsi.* Do you, I pray you, move that it may be an instruction to the *committee of supply*, that a sum not exceeding be granted to the compiler and editor of this little essay, or that his majesty be addressed to put him on the list of pensioners, for, *&c.* By this whatever you do in other matters, you will give me a proof, that you are men of sincerity, who have respect to your words and promises, and worthy of the trust committed to you.

I have now done. You have, gentlemen, here before you proper tests of PATRIOTISM, *reasonable, legal, and loyal,* undo these heavy burdens and you will deserve the name; are they left us: you find them. No glare of courtesy, no glitter of words shall ever cajole me into the confidence, that you do not mean to deceive us. You have made fair professions, we look for performance; prove your integrity, acquit your selves as men of honour, and you will upon any succeeding occasion, command the voice and interest of your faithful servant,

PHILOPATOR.

FINIS.